

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

NINTH DAY

(Tuesday, February 10, 2015)

The Senate met at 11:02 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Chaplain Major Jeremy Stirm, Texas Army National Guard, offered the invocation as follows:

Almighty God, creator of all things, true source of light and wisdom, and origin of all being. Your will is good and gracious, and Your law is truth. We ask Your guidance for this 84th Texas Legislature. May You grant the Members of the Senate and their respective staffs keenness of mind and prudence in judgment. May You guide the beginning of their work, direct its progress, and bring it to completion. May their labor be pleasing unto You and helpful to those they seek to govern. Father God, may Your blessings be upon these leaders and their families as they diligently seek to follow Your way. And now, Lord, we humbly and sincerely pray that You keep this nation, keep this state, under Your watchful care. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

(Senator Eltife in Chair)

SENATE RESOLUTION 37

Senator Rodríguez offered the following resolution:

WHEREAS, The Texas Senate is pleased to recognize February 10 and 11, 2015, as El Paso Days at the State Capitol; and

WHEREAS, Located in the westernmost tip of the great State of Texas, the City of El Paso combines a modern metropolis with the charm born of its Spanish origins; the area was named El Paso by the Spanish conquistador Don Juan de Onate for the shallow place in the river where the colonists crossed on their way to Santa Fe, New Mexico; and

WHEREAS, The arrival of the railroads in 1881 ushered in an era of prosperity, and El Paso became a flourishing frontier community that has developed into a significant industrial, commercial, and transportation city; and

WHEREAS, Today, semitrailers, trains, and airplanes transport manufactured goods through the border cities at the Pass, just as Spanish traders did in the 16th century when they guided ox-drawn carts along the Camino Real from Mexico City to Santa Fe; and

WHEREAS, With a population of three-quarters of a million people, El Paso is the state's sixth-largest city and the nation's 19th-largest; the largest American city on the 2,000-mile United States-Mexico border, it lies north of and across the Rio Grande from Ciudad Juarez, Mexico's fifth-largest city, which has a population of over a million people; and

WHEREAS, Nearby Fort Bliss has recently completed the biggest transformation in its 167-year history, with a 300 percent increase in its population since 2005 and an investment of \$6 billion in construction for new, top-of-the-line facilities for the incoming personnel and their families, including a new billion-dollar military hospital; this installation is at the forefront of the United States Army's Transformation plan, having transitioned from a Training and Doctrine post to a Forces Command post; and

WHEREAS, El Paso is a vibrant, bilingual community, and many of its residents are fluent in Spanish; its residents enjoy a thriving fine arts community, exemplary educational institutions, and many cultural and historical resources and museums; and

WHEREAS, El Paso Days at the State Capitol provide an opportunity for friends and families to honor El Paso and its rich heritage, which today is enjoyed by residents and vacationers of all ages; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby recognize February 10 and 11, 2015, as El Paso Days at the State Capitol and join the citizens of this historic and vibrant region in paying tribute to this wonderful city; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of this special occasion.

SR 37 was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate an El Paso delegation: Mayor Oscar Leeser, Mayor Pro Tempore Cortney Niland, County Commissioner David Stout, Retired Colonel Bob Burns, and Greater El Paso Chamber of Commerce Board Chair Gary Borsch.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Burton was recognized and introduced to the Senate a Kennedale Area Chamber of Commerce delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a City of Graham delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Bee County delegation.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Francisco Barrera of Boerne as the Physician of the Day.

The Senate welcomed Dr. Barrera and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 78

Senator Kolkhorst offered the following resolution:

SR 78, Recognizing Matagorda County Day on February 10, 2015.

The resolution was again read.

The resolution was previously adopted on Monday, February 2, 2015.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Matagorda County delegation: County Judge Nate McDonald, Bobby Wilkinson, Buddy Eller, Mitch Thames, and Al Capristo.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a Panola County delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Creighton was recognized and introduced to the Senate a Chambers County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 106

Senator Seliger offered the following resolution:

SR 106, Recognizing February 10, 2015, as Howard County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a Howard County delegation: Big Spring Mayor Larry McLellan, County Judge Kathryn Wiseman, Coahoma ISD Trustee Craig Ferguson, and Big Spring Economic Development Corporation Board President Terry Hansen.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, February 10, 2015 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 7

Whitmire

Sponsor: Price

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 4, 2015, and ending on Monday, February 9, 2015.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Carlos Cascos.

The Senate welcomed its guest.

SENATE RESOLUTION 76

Senator Rodríguez offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Paso del Norte Health Foundation on the occasion of its 20th anniversary; and

WHEREAS, Founded on September 30, 1995, the foundation was established to serve the communities of the Paso del Norte region; the region includes El Paso and Hudspeth Counties in Texas, Dona Ana, Luna, and Otero Counties in New Mexico, and the City of Juarez, Chihuahua, Mexico; and

WHEREAS, The foundation's leadership in health promotion and disease prevention has played a significant role in the improved health and quality of life of the region's residents; and

WHEREAS, The foundation's numerous health improvement initiatives have been recognized by its peers in the United States and in other countries as exemplary initiatives that can be used in numerous communities to solve complex health issues; and

WHEREAS, The foundation's leaders maintain the trust of the initial investment of \$130 million received from the sale of the nonprofit Providence Memorial Hospital; and

WHEREAS, The foundation's goal of maintaining the investment trust for generations to come has provided the Paso del Norte region with resources for health promotion and disease prevention projects while still maintaining more than \$200 million in holdings; and

WHEREAS, The foundation and its community partners collaboratively develop health initiatives to bring about a significant reduction in the number of area citizens who smoke and have sedentary lifestyles and to prevent teenage pregnancy and obesity; their initiatives have also been responsible for significant improvements in regional access to clean water, school health programs, early childhood development programs, and lead and pesticide education; and

WHEREAS, As an accountable community leader, the foundation shares what is learned through evaluation and research with other areas of the world so that its initiatives can be refined or replicated and to prevent inappropriate duplication of effort; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby commend the Paso del Norte Health Foundation on its outstanding service to the people of the Paso del Norte region and extend congratulations to all associated with the foundation on the occasion of its 20th anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the foundation as an expression of esteem from the Texas Senate.

SR 76 was read and was adopted without objection.

SENATE RESOLUTION 144

Senator Hinojosa offered the following resolution:

SR 144, Recognizing February 10, 2015, as Rio Grande Valley Day.

HINOJOSA
LUCIO

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senator Lucio, was recognized and introduced to the Senate a Rio Grande Valley delegation: The University of Texas Rio Grande Valley President Guy Bailey, Edinburg City Councilmember J. R. Betancourt, McAllen Mayor Jim Darling, Harlingen Mayor Chris Boswell, and The University of Texas System Regent Ernest Aliseda.

The Senate welcomed its guests.

SENATE RESOLUTION 42

Senator Watson offered the following resolution:

SR 42, Recognizing Charlie Betts on the occasion of his retirement.

The resolution was again read.

The resolution was previously adopted on Monday, January 26, 2015.

GUEST PRESENTED

Senator Watson was recognized and introduced to the Senate Downtown Austin Alliance former President Charlie Betts.

The Senate welcomed its guest.

SENATE RESOLUTION 145

Senator Hinojosa offered the following resolution:

SR 145, Recognizing February 10, 2015, as Texas State Aquarium Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Texas State Aquarium delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Texas Renal Coalition delegation.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE CONCURRENT RESOLUTION 11

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 84th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 11, 2015, and ending on Tuesday, February 17, 2015.

WHITMIRE

SCR 11 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Pecos County delegation.

The Senate welcomed its guests.

NOMINATION RETURNED

Senator Birdwell moved to grant the request of the Governor to return the following nomination:

Commissioner, Interstate Commission for Adult Offender Supervision: Steven M. Robinson, Williamson County.

The motion prevailed without objection.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:03 p.m. agreed to adjourn, in memory of Bill Crooker, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

(Senator Van de Putte in Chair)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 461 by Perry, Eltife, Hinojosa, Rodríguez

Relating to false or misleading packaging, labeling, or advertising of certain abusable synthetic substances; providing criminal and civil penalties.

To Committee on Criminal Justice.

SB 462 by Huffman

Relating to authorizing a revocable deed that transfers real property at the transferor's death.

To Committee on State Affairs.

SB 463 by Huffman

Relating to the restructuring of certain fund accounts of the Texas County and District Retirement System.

To Committee on State Affairs.

SB 464 by Nichols

Relating to eliminating provisions authorizing or requiring public institutions of higher education to set aside portions of tuition for student financial assistance and other purposes.

To Committee on Higher Education.

SB 465 by V. Taylor

Relating to the eligibility for service retirement annuities from the Employees Retirement System of Texas or the Teacher Retirement System of Texas of certain employees convicted of certain offenses.

To Committee on State Affairs.

SB 466 by Rodríguez

Relating to the affidavit required to be exempt from jury service due to a physical or mental impairment.

To Committee on State Affairs.

SB 467 by Rodríguez

Relating to the early voting period for certain elections.

To Committee on State Affairs.

SB 468 by Rodríguez

Relating to the capacity of certain minors to consent to examination or medical treatment related to childbirth and contraception.

To Committee on Health and Human Services.

SB 469 by Rodríguez

Relating to legal services provided by a district or county attorney to county and precinct officials.

To Committee on Intergovernmental Relations.

SB 470 by Rodríguez

Relating to the eligibility of certain persons for the supplemental nutrition assistance program.

To Committee on Health and Human Services.

SB 471 by Rodríguez

Relating to reviews and investigations conducted by the Texas Education Agency.

To Committee on Education.

SB 472 by Rodríguez

Relating to designation of an employee within certain state agencies as a veteran's liaison.

To Committee on Veteran Affairs and Military Installations.

SB 473 by Perry

Relating to defenses and exceptions to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons, firearms, and related items.

To Committee on State Affairs.

SB 474 by Kolkhorst

Relating to the recovery of costs and fees in connection with certain eminent domain proceedings.

To Committee on State Affairs.

SB 475 by Kolkhorst

Relating to a property right in certain DNA samples; providing injunctive relief and a civil penalty; creating a criminal offense.

To Committee on State Affairs.

SB 476 by Kolkhorst

Relating to the duties of certain law enforcement officials under procedures regulating the making or transfer of firearms.

To Committee on State Affairs.

SB 477 by Kolkhorst

Relating to the provision of human sexuality and family planning instruction in public schools.

To Committee on Education.

SB 478 by Zaffirini

Relating to promulgation of certain forms for use in landlord-tenant matters.

To Committee on Business and Commerce.

SB 479 by Schwertner

Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

To Committee on State Affairs.

SB 480 by Perry

Relating to the administration of a medication, immunization, or vaccination by a pharmacist.

To Committee on Health and Human Services.

SB 481 by Hancock

Relating to notice and availability of mediation for balance billing by a facility-based physician.

To Committee on Business and Commerce.

SB 482 by Hancock

Relating to the creation of an optional consumer-directed health plan for certain individuals eligible to participate in the group benefits program provided under the Texas Employees Group Benefits Act and their qualified dependents.

To Committee on State Affairs.

SB 483 by Kolkhorst

Relating to notice of water level fluctuations to purchasers of real property adjoining an impoundment of water.

To Committee on Agriculture, Water, and Rural Affairs.

SB 484 by Kolkhorst

Relating to restrictions in connection with public subsidies and contracts awarded to businesses that employ undocumented workers.

To Committee on Business and Commerce.

SB 485 by Kolkhorst

Relating to the cessation of tolls by toll project entities in certain circumstances.
To Committee on Transportation.

SB 486 by Kolkhorst

Relating to the use of radio frequency identification technology to transmit information regarding public school students.
To Committee on Education.

SB 487 by Ellis

Relating to postconviction forensic DNA analysis.
To Committee on Criminal Justice.

SB 488 by Seliger

Relating to the criteria for awarding the Texas Purple Heart Medal to members of the armed forces wounded or killed at Fort Hood on November 5, 2009.
To Committee on Veteran Affairs and Military Installations.

SB 489 by Seliger

Relating to the designation of the U.S. Highway 87 truck relief route in Howard County as the William B. (Bill) Crooker Truck Relief Route.
To Committee on Transportation.

SB 490 by Seliger

Relating to the authority of certain counties to impose a hotel occupancy tax.
To Committee on Natural Resources and Economic Development.

SB 491 by Schwertner

Relating to consideration of asbestos or silica trust claims in certain actions asserting asbestos- or silica-related injuries.
To Committee on State Affairs.

SB 492 by Whitmire, Rodríguez

Relating to the prosecution of the offense of indecency with a child.
To Committee on Criminal Justice.

SJR 27 by Hancock

Proposing a constitutional amendment requiring certain tax bills to be approved by two-thirds of all the members elected to each house of the legislature.
To Committee on Finance.

CO-AUTHORS OF SENATE BILL 5

On motion of Senator Nichols, Senators Birdwell, Hancock, Huffines, Lucio, V. Taylor, and Zaffirini will be shown as Co-authors of **SB 5**.

CO-AUTHORS OF SENATE BILL 17

On motion of Senator Estes, Senators Creighton, Hancock, Nelson, and Perry will be shown as Co-authors of **SB 17**.

CO-AUTHOR OF SENATE BILL 52

On motion of Senator Nelson, Senator Nichols will be shown as Co-author of **SB 52**.

CO-AUTHORS OF SENATE BILL 54

On motion of Senator Nelson, Senators Campbell and Nichols will be shown as Co-authors of **SB 54**.

CO-AUTHOR OF SENATE BILL 147

On motion of Senator Rodríguez, Senator Birdwell will be shown as Co-author of **SB 147**.

CO-AUTHOR OF SENATE BILL 228

On motion of Senator Creighton, Senator Nichols will be shown as Co-author of **SB 228**.

CO-AUTHORS OF SENATE BILL 233

On motion of Senator Schwertner, Senators Bettencourt, Birdwell, and Fraser will be shown as Co-authors of **SB 233**.

CO-AUTHOR OF SENATE BILL 353

On motion of Senator Nelson, Senator Nichols will be shown as Co-author of **SB 353**.

CO-AUTHOR OF SENATE BILL 438

On motion of Senator Hall, Senator Estes will be shown as Co-author of **SB 438**.

CO-AUTHOR OF SENATE BILL 439

On motion of Senator Hall, Senator Birdwell will be shown as Co-author of **SB 439**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 5

On motion of Senator Estes, Senator Nichols will be shown as Co-author of **SCR 5**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 5

On motion of Senator Nichols, Senators Birdwell, Hancock, Huffines, Lucio, V. Taylor, and Zaffirini will be shown as Co-authors of **SJR 5**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 22

On motion of Senator Creighton, Senator Nichols will be shown as Co-author of **SJR 22**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 141 by Van de Putte, In memory of Edward Francis Bysinski.

SR 143 by Estes, In memory of Luther G. Prunty.

Congratulatory Resolutions

SCR 10 by Eltife, Recognizing Jack Carter on the occasion of his retirement.

SR 124 by Perry, Recognizing Leslie Moss for being named the 2014 Texas Big Sister of the Year.

SR 135 by West, Recognizing the 25-year members of Alpha Kappa Alpha Sorority, Incorporated.

SR 136 by West, Recognizing the 50-year members of Alpha Kappa Alpha Sorority, Incorporated.

SR 137 by Van de Putte, Recognizing Emilio Nicolas Sr., for being selected as the 2015 Texas Medal of Arts Honoree for multimedia.

SR 138 by Van de Putte, Recognizing Oliver Wendell Holmes High School on the occasion of its 50th anniversary.

SR 139 by Van de Putte, Recognizing recipients of the 2015 Presidential Awards from The University of Texas Health Science Center at San Antonio.

SR 140 by Van de Putte, Recognizing the *San Antonio Express-News* on the occasion of its 150th anniversary.

SR 146 by Nelson, Commending all those working to raise awareness of metastatic breast cancer.

SR 147 by Schwertner, Recognizing the members of the Chancellor's Student Advisory Council of The Texas A&M University System.

SR 148 by Schwertner, Recognizing David Earl Rock Sr. on the occasion of his retirement.

Official Designation Resolutions

SR 142 by Lucio, Recognizing February 11, 2015, as Harlingen-San Benito Day.

SR 149 by Creighton, Declaring February 10, 2015, as Chambers County Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:09 p.m. adjourned, in memory of Bill Crooker, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 9, 2015

SR 107, SR 108, SR 109, SR 110, SR 111, SR 112, SR 113, SR 114, SR 115, SR 116, SR 117, SR 118, SR 119, SR 120, SR 121, SR 122, SR 123, SR 126, SR 127, SR 128, SR 129, SR 130, SR 131, SR 132, SR 133, SR 134